



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable George C. Roane  
County Attorney  
Fort Bend County  
Richmond, Texas

Dear Sir:

Opinion No. O-4572

Re: Does the commissioners' court  
have the legal authority to employ  
a veterinarian and pay him a monthly  
salary under the facts submitted?

We have your letter of April 30, 1942, requesting the  
opinion of this department on the above stated question, which  
reads in part as follows:

"What I want to know is: Does the Commissioners'  
Court have the authority to hire a County veterinarian  
and pay him a monthly salary during the next three months  
vaccination period?

"The situation is that a large number of people  
need their stock vaccinated at this time but unless the  
County will bring a veterinarian in here and pay him a  
salary, this work will not be done. This veterinarian  
will charge fees for his work, but in the event his fees  
do not amount to enough, he will expect the County to  
guarantee a certain sum as a salary."

Title 17, (Articles 1525a, 1525b, 1525c, and 1525d),  
Vernon's Annotated Penal Code, pertains to the eradication,  
treatment, etc., of contagious, infectious and communicable  
diseases of livestock, domestic animals, and domestic fowls in  
this State. The above mentioned statutes authorize the Live-  
stock Sanitary Commission and the commissioners' courts of the  
various counties to perform certain duties as are imposed upon  
them by such statutes and further empowers the commissioners'  
courts to expend county funds for the various purposes therein  
enumerated.

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We believe that Section 8 of Article 1525b, Vernon's Annotated Penal Code, is applicable to the question under consideration. Said Section 8 expressly provides:

"It shall be the duty of the county commissioners' courts of this State to cooperate with and assist the Livestock Sanitary Commission in protecting the livestock, domestic animals and domestic fowls of their respective counties from all contagious, infectious and communicable diseases, whether such diseases exist within or outside the county, and said commissioners' courts are here authorized to employ a veterinarian at the expense of the county, said veterinarian to be approved by the Livestock Sanitary Commission."

In view of the foregoing you are respectfully advised that it is the opinion of this department that the commissioners' court of Fort Bend County is legally authorized and empowered to employ a veterinarian for the purposes above mentioned, provided, such veterinary is approved by the Livestock Sanitary Commission; the commissioners' court can compensate said veterinarian in such manner and amount as may be determined and agreed upon by the commissioners' court and the veterinarian.

Trusting that the foregoing fully answers your inquiry,  
we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (Signed) ARDELL WILLIAMS  
Assistant

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APPROVED MAY 2, 1942

(Signed) GROVER SELLERS  
First Assistant Attorney General

APPROVED OPINION COMMITTEE  
BY B.W.B. CHAIRMAN

W.J.F.